

Appl. No.: 09/944,405
Amdt. dated 01/31/2006
Reply to Office action of 10/04/2005

REMARKS

This amendment is submitted along with a request for a one month extension and appropriate fee in reply to the Office Action dated October 4, 2005. Applicant gratefully acknowledges the Examiner's indication that claims 6 and 9 contain allowable subject matter. Claims 1, 8 and 17-22 currently stand rejected. Applicant has amended independent claim 1 to incorporate the allowable subject matter of claim 9. Claim 8 has also been amended to correct its dependency. Claim 20 has been canceled, without prejudice. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §103

Claims 1, 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Willsey (U.S. Patent No. 5,754,761) in view of Misra (U.S. Patent No. 6,189,146). Claims 8 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Willsey in view of Misra and further in view of Lewis (U.S. Patent No. 5,734,819). Claim 20 has been canceled, without prejudice. Thus the rejection of claim 20 is now moot.

The Office Action has indicated that claim 9 contains allowable subject matter. Claim 1 has been amended to incorporate the allowable subject matter of claim 9. Since claim 1 has been amended to recite the allowable subject matter from claim 9, the subject matter claimed in claim 1 is not taught or suggested by the cited references. Thus, the rejection of claim 1 is overcome. Applicant respectfully notes that although claim 9 had previously depended from claim 8, the subject matter of claim 8 is not formally incorporated into independent claim 1, since Applicant believes the subject matter of claim 9 is sufficient to make amended independent claim 1 allowable.

Regarding the rejections of independent claims 21 and 22, Applicant respectfully traverses. In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art

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relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143. It is respectfully submitted that this burden was not met in the rejection of independent claims 21 and 22, at least with respect to the burden of establishing that all elements of the invention are disclosed in the prior art.

Willsey is directed to a generation process of software-key sequences for the activation of software programs, which is bond to a hardware key to protect against unauthorized execution, which is a dedicated hardware security module attached to the processing device with which the software is executable. Misra is directed to a software licensing system including a license generator located at a licensing clearinghouse and at least one license server and several clients located at a company or entity.

Independent claim 21 recites, *inter alia*, that the hardware identification sequence contained in the license key is encrypted and a secret algorithm coded in the software is used to decrypt the hardware identification sequence. The Office Action fails to assert that such feature is taught or suggested in either of the cited references. Accordingly, a prima facie case of obviousness has not been established with respect to independent claim 21. Furthermore, both Misra and Willsey fail to teach or suggest the above referenced claimed subject matter of independent claim 21. Thus, the rejection of independent claim 21 is overcome.

Independent claim 22 recites, *inter alia*, that the hardware identification sequence contained in the license key is encrypted and a public key encryption method is used for encrypting and decrypting the unique hardware identification sequence contained in the license key, comprising a secret key which is only known to the license key distribution authorities and a public key corresponding to the secret key; and that the secret key is used for encrypting the hardware identification sequence and the public key is used for decrypting the hardware

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identification sequence, and the public key is the only key which allows decrypting data encrypted by the secret key. The Office Action again fails to assert that such features are taught or suggested in either of the cited references. Accordingly, a prima facie case of obviousness has not been established with respect to independent claim 22. Furthermore, both Misra and Willsey fail to teach or suggest the above referenced claimed subject matter of independent claim 22. Thus, the rejection of independent claim 22 is overcome.

Claims 8, 17 and 18 depend directly from independent claim 21 and 22, and are therefore allowable at least due to their dependency upon independent claims 21 and 22, which are believed to be allowable for the reasons stated above. However, Applicant further submits that, in any case, the cited references fail to meet these claims. Specifically, dependent claims 8, 17 and 18 recite, *inter alia*, that at least one of said specific hardware modules is a network interface module comprising a unique network interface address. The Office Action asserts, and Applicant agrees, that such feature is not taught or suggested by either Willsey or Misra. Accordingly, the Office Action cites Lewis as teaching such feature. However, Lewis is directed to the encoding of a Message Authentication Code (MAC), which does not meet the unique network interface address of the claimed invention, of which a Media Access Control (MAC) address is an example. While the same acronym (MAC) is employed, the difference between a Message Authentication Code and a Media Access Control address is important since the Message Authentication Code described by Lewis is different than and not suggestive of the unique network interface address of claims 8, 17 and 18. Thus, for all the reasons stated above, the rejections of claims 8, 17 and 18 are overcome.

Claim 19 depends from dependent claim 6, which the Office Action has indicated recites allowable subject matter. Accordingly, claim 19 includes all the recitations of claim 6 and is therefore allowable due at least to its dependency from dependent claim 6. Thus, the rejection of claim 19 is overcome.

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CONCLUSION

In view of the amendment, and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

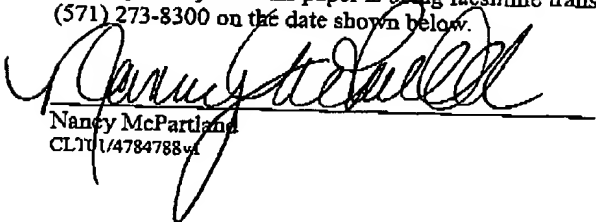


Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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